

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IVAN HILL,	:	
Plaintiff,	:	
	:	
v.	:	No. 20-cv-3631
	:	
JOHN WETZEL, <i>et al.</i>,	:	
Defendants.	:	

ORDER

AND NOW, this 9th day of September, 2020, upon consideration of Plaintiff Ivan Hill's Motion to Proceed *In Forma Pauperis* (ECF No. 5), his Prisoner Trust Fund Account Statement (ECF No. 6), and his *pro se* Complaint (ECF No. 1), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Ivan Hill, #EM-3243, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI-Phoenix or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Hill's inmate account; or (b) the average monthly balance in Hill's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Hill's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Hill's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this Order to the Superintendent of SCI-Phoenix.

4. The Complaint is **DEEMED** filed.

5. The Complaint is **DISMISSED IN PART WITH PREJUDICE AND IN PART WITHOUT PREJUDICE** for the reasons stated in the Court's Memorandum as follows:

a. The Eighth Amendment, Fourth Amendment, and Fourteenth Amendment claims, and all official capacity claims are **DISMISSED WITH PREJUDICE**.

b. The First Amendment claims and the supervisor liability/failure to train claim are **DISMISSED WITHOUT PREJUDICE** and with leave to file an amended complaint.

6. Hill may file an amended complaint within thirty (30) days of the date of this Order only as to those claims dismissed without prejudice. Any amended complaint must identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint and shall state the basis for Hill's claims against each defendant. The amended complaint shall be a complete document that does not rely on the initial Complaint or other papers filed in this case to state a claim. When drafting his amended complaint, Hill should be mindful of the Court's reasons for dismissing the claims in his Complaint as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

7. If Hill fails to timely file an amended complaint, the case will be dismissed without further notice to Hill.

8. The Clerk of Court is **DIRECTED** to send Hill a blank copy of the Court's form complaint for a prisoner filing a civil rights action bearing the above civil action number. Hill may use this form to file his amended complaint if he chooses to do so.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.
United States District Judge